App. F. IX-4

Previous References

1940-41
(RA)

RA File No. 114-407
Serial Nos. 1 and 2

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

P8/E

Part B for April 1941

SUBJECT.

Return of deposit amounts to defeated depressed class candidates.

Secn 2 — To the Dy Commr Shimoga Dist
WOL 3531 dated 29-4-1941

WD 0573—GPB—22,500—12-9-39

Directs that the refund of the deposit may be permitted as the candidate has secured more than one-eighth of the total number of votes polled in forms IV B and V

3/5

Return of deposit amts to defeated depressed class Candidates

General and Revenue Secretariat
R. A. & L. C.

RA File No. of 1940 - 41 2157/P2 App F III-2

Serial No. 1

Letter No M.I.C. 1973/39-40a dated 9.4.1941 from the D. C. Shimoga Dt., soliciting Orders of Govt. regarding the refund of deposit Amount to a defeated depressed class Candidates who had stood for election from the Honnali Taluk.

1. The facts stated in the P.U.D. are as follows:-

One Mr. Hanumanthappa who had stood as a candidate for the depressed class reserved seat from the Honnali taluk appears to have secured less than one-eighth of the total number of votes polled in form No.V:B. (Ballot papers given exclusively for members of the depressed classes) and more than one-eighth of the total number of votes polled in form No.V.C. (ballot paper given for reserved seat to persons who are not members of the depressed classes).

2. The D.C. now solicits orders whether under the rules in force, for the return of the deposit amount, the depressed class candidate should ~~have~~ secure more than one-eighth of the votes in each of the forms in which case the candidate in question forfeits his deposit or is it enough if he secures more than one-eight of the total number of votes polled in both the forms V-B and V-C, in ~~which~~ which case he will be entitled for the refund of the deposit amount.?

3. Cl.(b) rule 153 of the R.A. Rules states that the deposit made by or on behalf of a candidate shall be forfeited to the Government if the candidate

NOTE—Contn. Sheet.

2 Re- Refund of Deposit amt to the Deposited Mars Candidate — Howrah Taluk

R.A. File No. 215/PR of 1940-41 | General and Revenue Secretariat R. A. & L. C.

Serial No.

is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled. The provisions of this rule are applicable universally to all the candidates in all the constituencies whatever may be the method of election. A depressed class candidate is required to get a certain percentage of his community's vote as well as the caste-Hindu votes in order to get himself elected. Therefore it necessarily follows that if two or more people stand and only one succeeds the other unsuccessful candidates lose their deposits if they fail to secure one-eighth of the total number of votes recorded in forms V-B and V-C and they cannot be made to forfeit their deposit if they have failed to secure more than one-eighth separately in each of the said two ballot papers.

4. If approved the D.C. Shimoga District will be informed that in the case under reference as the candidate has secured more than one eighth in the total number of votes polled in both the forms he may order the refund of the deposit in question.

A

250
21.4.41.

A marginal note done
21/4

Law Secy)

As the candidate has secured more than one-eighth of the total number of votes polled, he does not forfeit the deposit. It is immaterial that he has secured less than one-eighth in one of the forms, so long as the total of both the forms is not

Refund of the deposit amount to the Depressed class candidate

General and Revenue Secretariat R. A. & L. C.

RA File No. 114 of 1940 - 41 App F III-2

2151/RL 3

Serial No.

9 less than the minimum prescribed.

The deposit amount may be returned.

II Member)

Hm 2 22/4/41 JKW 22/4

JRL 23/4

Hm 2 23/4/41 JKW 24/4

A draft letter to the D. C. Shimoga is put up for approval.

Dbn 25.4.41 Law Secy

JKW 27/4

Jnk 26.4.

Hm 2 28/4/41 Josne JKW 28/4

7511 28/4.

The D. C. Shimoga Dh.

Shimoga

Issued no RL 3531 dated 29.4.1941

Directs that ~~as the~~ the refund of the deposit may be permitted as the candidate has secured more than one-eight of the total number of votes polled in forms V B & V C.

B 29.4.41

Dh

OFFICE OF THE SECRETARY 29 APR. 1941 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

NOTE—Contn. Sheet.

OFFICE OF THE SECOND MEMBER OF COUNCIL 22 APR. 1941 No. A.729

LAW DEPT. 10 APR 1941 Govt. of Mysore

2151/M 4

M.I.C. 1973/39-40

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

Dated Shimoga, the ...9th..April...*19* 41

RA 114-40-1

FROM

M. SESHADRI, ESQ., M.A.,
Deputy Commissioner, Shimoga District.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government of His Highness the Maharaja of Mysore,
.....LAW.....*Department, BANGALORE.*

OFFICE OF THE ... 25 ...

Subject:— - - - -

...BLY

SIR,

I have the honour to state that one Mr. Hanumanthappa who had stood as a candidate for the reserved seat on the Representative Assembly from the General Rural Constituency pertaining to Honnali Taluk in the recent elections was not successful as another candidate who secured the higher number of votes was declared elected. Mr. Hanumanthappa secured 19 votes in form No. V-B as against 222 valid votes polled and he secured 134 votes in form No. V-C out of 906 valid votes in the elections held. He has applied for the refund of the deposit of Rs 25/- made by him in connection with his candidature. As per rule 153 (b) of the Representative Assembly Manual the deposit made by a candidate has to be forfeited to the Government if the candidate is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled. In the case of Mr. Hanumanthappa, the number of votes polled by him under form No. V-B is less than one-eighth and it is more than one-eighth under form No. V-C. The total number of votes secured under both V B and V C together will be more than one-eighth of the total number of valid votes under the two heads. It is a point for consideration as to whether a defeated candidate who had stood for the elections to the reserved seat has to secure one-eighth of the votes under each of the forms V-B and V-C separately or

whether

whether it is enough if he secures more than one-eight of the votes from both the forms to entile him for a refund.

I have the honour to be,
Sir,
Your most obedient servant,

K. Suryanarayana Rao

Deputy Commissioner,
Shimoga District.

Appendix F G–1]
R. A. & L. C.

10 copies. 6

SUBJECT

Section

File No.

Serial No.

No. RC 35-31 dated 29th April '41

Diary No. of letter replied to

To

The D. C. Shimoga & Ex-officio
Shimoga

General and Revenue Secretariat
R. A. & L. C.

( )

Sir,

With reference to your letter No R.C. 1973/39-40 dated 9.4.41 ~~&~~ Soliciting ~~necessary~~ instruction in the matter of refunding the deposit amount to one Mr. Hanumanthiah a depressed class Candidate from the Hosanagar Taluk who failed to secure one-eighth of the number of votes polled in each of the ballot papers Forms VB1 & V.C. I am directed to state that as in the case under reference, the Candidate in question has secured more than one-eighth in the total number of votes polled in both the forms said in the aggregate ~~put together~~ ~~Counted put together~~, he is entitled

Date of issue 29.4.41

Signed by Mr. H.V. Narayana Rao
Mr. M. K. Varada Rajan

List of enclosures

Copied by

Examined by

according to the Rules in force
in this behalf to a refund of
his deposit amount.

I am accordingly to
request that you may kindly
instruct the
Returning officer of the Constituency
to order the refund of the amount
in question.

I have the

Yours
Sd/-
Asst. Secy. to Govt.
Dy. Land Disp.

Memo no: — RL 35-32-39
dated 29th April 1941

Copy of the above is forwarded
to the Addl. Dy. Comrs of Dists.
for information.

D.O.

For Secy to Govt
Land Disp
Dy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 29th April 1941

No. RL 3531

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Deputy Commissioner,
Shimoga District,
Shimoga.

Sir,

With reference to your letter No.M.I.C.1973/39-40 dated 9th April 1941 soliciting instructions in the matter of refunding the deposit amount to one Mr. Hanumanthiah, a depressed class candidate from the Honnali Taluk, who failed to secure one-eighth of the number of votes polled in each of the aballot paper forms V-B and V-C, I am directed to state that as the candidate in question has secured more than one-eighth in the total number of votes polled in both the said forms in the aggregate, he is entitled according to the Rules in force in this behalf, to a refund of his deposit amount.

I am accordingly to request that you may kindly instruct the Returning Officer of the Constituency to order the refund of the amount in question.

I have the honour to be,
Sir,
Your most obedient servant,
(A) H. V. Narayana Rao
Secretary to Government,
Law Department.

RL

Memo No: 3532—39 Bangalore Dated 29th April 1941

Copy of the above is forwarded with compliments to the Deputy Commissioner, Tumkur District, for information.

By Order,

M. N. Varadarajan
For Secretary to Government,
Law Department.

Tumkur